IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: UNITED STATES PENITENTIARY, CANAAN SALMONELLA FOOD POISONING CASES

ORDER

This is one of a number of related actions, in which federal inmates have sued the United States of America, and others, alleging injuries stemming from the consumption of food contaminated with salmonella that was served at the United States Penitentiary, Canaan. We are overseeing coordinated pre-trial management of these cases. We believe that mediation efforts and settlement opportunities are warranted in this action, have found that early mediation has led to the successful resolution of more than 410 cases to date, and conclude that all parties may benefit from continuing to participate in mandatory mediation of the plaintiff's claims in the 90 remaining cases that are pending before this court.

We had previously set a deadline for completion of this mandatory mediation process of November 1, 2013. However, on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress. Absent an appropriation, Department of Justice attorneys and certain employees of the United States Attorney's Office (including the Assistant United

States Attorney and Paralegal Specialist assigned to this case) are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Given this development, and mindful of the demonstrated value of this mandatory mediation effort, we deem it prudent to extend the mediation deadline so that all parties may benefit from this program. Accordingly, in order to allow this process to be completed as to all cases, IT IS ORDERED that the parties shall continue to engage in good faith discussions to determine whether these claims can be resolved. IT IS FURTHER ORDERED that as part of these mediation efforts:

1. For those cases which have not yet proceeded through the mediation process the stay of proceedings to allow mediation efforts to conclude is EXTENDED to **December 30, 2013**.

2. The Court will appoint Joe Barrett, Esq., to serve as a mediator in each of the above-captioned cases.

3. The defendant shall determine whether any other similar cases have been litigated in the federal prison system, and at the time of court ordered mediation sessions shall provide the court-appointed mediator and plaintiff with public record information concerning the outcome of these cases, in order to assist and inform the plaintiff in evaluating settlement proposals made by the defendant.

4. In order to reduce cost, time, expense, inconvenience, and to suitably address institutional security concerns, the defendant and Attorney Barrett, as mediator, will coordinate with officials with the Bureau of Prisons in order to schedule either in-person or video-conference mediation sessions with each plaintiff at

mutually convenient times, and in a manner that comports with the needs and concerns of prison officials.

5. At these sessions the defendant shall provide revised settlement offers to each plaintiff for his consideration, and Attorney Barrett will stand by to address and facilitate resolution of questions concerning these revised settlement offers.

6. The defendant and Attorney Barrett shall promptly notify the Court in writing of any cases that are resolved through mediation, shall complete all mediation sessions by **December 30, 2013**, and shall provide a comprehensive status report on the outcome of all mediation conferences by **December 30, 2013**, at which time the defendant shall also provide the court with a list of any cases that have completed the mediation process, but have not settled, so the court may establish a consolidated pre-trial schedule for these actions.

SO ORDERED this 9th day of October 2013.

/s/ Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge